

## REMARKS

Claims 1-28 are pending in the present application and stand rejected.

Examiner's reconsideration of the claim rejections is respectfully requested in view of the following remarks.

### Claim Rejection under 35 U.S.C. § 112

Claims 1-7, 9, 10 and 12-28 stand rejected under 35 U.S.C. § 112, second paragraph. Portions of the specification have been amended above. It is believed that any potential confusion stemming from the use of the term "estimation" with a "timer" has now been resolved.

The Examiner further contends that "specific algorithms to perform such estimation should either be disclosed in the specification, or conventional algorithms should be mentioned to allow a person of ordinary skill of art to make and use the invention." Applicants respectfully assert that there is no basis for requiring such algorithms. Applicants direct the Examiner to p. 4, lines of 16-19 of the specification:

The time delay TD is estimated in response to the first data frame DF1. ... The time delay TD is longer than the time necessary for receiving one data frame DF.

In the above text, the time delay TD can be estimated to be "longer than the time necessary for receiving one data frame DF. Applicants further direct the Examiner to p. 14, lines 27-29 of the specification:

The second time delay TD2 is the time interval between the received data frames DF1 and DF2 and is shorter than the first time delay TD1.

In the above text, the second time delay TD2 can be estimated as the time interval between the received data frames, the time interval being shorter than the first time delay TD1.

The estimation of the time delay is adequately described such that one skilled in the art is enabled to practice the claimed invention. Withdrawal of the claim rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Claim rejection under 35 U.S.C. § 102

Claims 4 and 5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Connor (U.S. Pub. No. 2003/0061426).

Claims 12-14 stand rejected under 35 U.S.C. § 103(a) as being obvious over Connor, in view of Satran et al. (U.S. Pub. No. 2002/0029305) (hereinafter "Satran"), Gentry Jr. et al. (U.S. Patent No. 6,467,008) (hereinafter "Gentry"), and Bennett et al. (U.S. Patent No. 6,345,302) (hereinafter "Bennett").

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being obvious over Connor, in view of Gentry.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being obvious over Connor, in view of Satran.

Claims 9-10 stand rejected under 35 U.S.C. § 103(a) as being obvious over Connor, in view of Gentry and Bennett.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being obvious over Connor, in view of Bennett.

Claims 15-28 stand rejected under the same arguments provided for claims 1-3, 6, 7, 9, 10 and 12-14.

The rejections are respectfully traversed.

The Examiner relies primarily on Figure 4 of Connor along with its associated description. Figure 4 does not disclose “*estimating* a packet time delay in response to the received data frames.” Figure 4 teaches that a packet time is *measured*, and *not estimated*.

Additionally, even assuming, *arguendo*, that the step of estimating is disclosed by Connor, Figure 4 teaches that #405 is revisited *only after one of the timers has expired* (i.e., after #425). This directly contradicts “going back step (b) *if the packet time delay has not passed*,” as claimed in claim 4.

It should be noted that the Examiner refers to a step “426” and a step “431” both of which do not exist in Figure 4 of Connor.

The arguments provided for claim 4 above apply, at least in part, to claims 1, 6, 8, 9, 11, 12, 15, 18, 20 and 22, and for the following additional reasons below.

Regarding claim 12, the Examiner addresses only “generating an interrupt if the number of received data frames is equal to N. The Examiner does not address “counting the number of received data frames *if the first time delay has not passed*” and “determining whether the second time delay has passed *if the number of received data frames is not equal to N*”. Applicants respectfully submit that the references, individually or in any combination, do not render obvious the recited limitations of claim 12.

The Examiner contends that Satran at paragraphs [0035], [0036] and Figure 3 teaches “recognizing a type field of the received data frames.” However, the recited portions of Satran teach a server (11) marking the end-of-data using a flag in the message header that indicates the last data packet. First, this is entirely unrelated to “*recognizing*

*a type field* of the received data frames.” Second, it is unclear where Satran teaches both the recognized type field and the claimed “predetermined type field.”

The Examiner contends that Bennett at col. 14, lines 27-30 and Figure 15 teaches “recognizing a protocol field of a packet header in a data field of the received frames.”

As with Satran above, the Examiner makes no distinction between the recognized protocol field and the claimed “predetermined protocol field.”

Claims 15, 18, 20, 22 and 25 are each directed to a network interface card comprising a variety of circuits. The Examiner rejects these claims without association to corresponding NIC circuitry in the references. In particular, the Examiner’s citations to Satran and Bennett do not indicate an association to NIC circuitry.

Accordingly, independent claim 4 is believed to be patentably distinguishable over Connor. Independent claims 1, 6, 8, 9, 11, 12, 15, 18, 20 and 22 are believed to be patentably distinguishable over associated combinations of Connor, Gentry, Satran and Bennett. The corresponding dependent claims are believed to be allowable for at least the reasons given for the independent claims. Withdrawal of the claim rejections of claims 1-28 is respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration is respectfully requested.

Respectfully submitted,

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